

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ZANFEL LABORATORIES, INC.,

Plaintiff,

Case No. 1:08-CV-749

v.

Hon. Gordon J. Quist

RITE AID CORPORATION,

Defendant.

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**CERTIFICATION**

Pursuant to 28 U.S.C. § 2403(a) and Rule 5.1(b), Federal Rules of Civil Procedure, the court hereby certifies to the Attorney General of the United States that the constitutionality of 35 U.S.C. § 292 has been drawn into question by the pleadings filed in the captioned matter. If the United States elects to intervene pursuant to § 2103(a), it shall do so not later than 60 days after the date of this certification. Rule 5.1(c).

The Clerk of the Court is directed to serve a copy of this Certification upon the Attorney General of the United States and the United States Attorney for the Western District of Michigan, and shall attach to the Certification a copy of the Complaint and Answer filed in this matter.

IT IS SO CERTIFIED and ORDERED this 22<sup>nd</sup> day of October, 2008.

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge